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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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10 ROBIN M. LEE,  
11 Plaintiff,  
12 v.  
13 PLAZA HOTEL AND CASINO, *et al.*,  
14 Defendants.

Case No. 2:13-cv-01851-MMD-GWF  
15  
16 ORDER ACCEPTING REPORT AND  
17 RECOMMENDATION

18 Before the Court is the Report and Recommendation of United States Magistrate  
19 Judge George Foley, Jr. ("R&R") (dkt. no. 2) recommending the Court dismiss Plaintiff  
Robin M. Lee's Complaint. Objections were due by March 26, 2014, but no objection  
was filed.

20 This Court "may accept, reject, or modify, in whole or in part, the findings or  
21 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely  
22 objects to a magistrate judge's report and recommendation, then the court is required to  
23 "make a *de novo* determination of those portions of the [report and recommendation] to  
24 which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however,  
25 the court is not required to conduct "any review at all . . . of any issue that is not the  
26 subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth  
27 Circuit has recognized that a district court is not required to review a magistrate judge's  
28 report and recommendation where no objections have been filed. See *United States v.*

1        *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
2 employed by the district court when reviewing a report and recommendation to which no  
3 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
4 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view  
5 that district courts are not required to review "any issue that is not the subject of an  
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
7 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
11 determine whether to adopt the R&R. The R&R recommends dismissal of the Complaint  
12 with prejudice because the Complaint is “premised on irrational, wholly incredible, and  
13 frivolous fact scenarios” and cannot be cured by amendment. (Dkt. no. 2 at 2.) The Court  
14 agrees. Upon the review of the filings and the record, the Court determines that the R&R  
15 should be adopted and the Complaint dismissed.

16 It is therefore ordered that the Report and Recommendation of Magistrate Judge  
17 George Foley, Jr. ("R&R") (dkt. no. 2) is accepted and adopted in its entirety. The  
18 Complaint is dismissed with prejudice.

19 The Clerk is ordered to close this case.

DATED THIS 27<sup>th</sup> day of June 2014.

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE